

REMARKS/ARGUMENT:

The continued allowance of claims 4-7, 9, 13-16 and 18 is noted with appreciation. The Office Action dated January 22, 2007 makes the following objections and rejections:

- Claims 19, 21, 23, 25 and 28 are objected for the term “operable”;
- Claims 1-3, 8, 10-11, 17 and 19-29 are rejected under 35 USC 101 for failing to recite a useful, concrete and tangible result;
- Claim 1 is rejected under 35 USC 101 as being directed to non-statutory subject matter;
- Claims 19 and 23 are rejected under 35 USC 112, second paragraph, for omitting essential structural cooperation among elements; and
- Claims 1, 10, 19, 23 and 28 are rejected under 35 USC 112, second paragraph, as unclear and claim 28 further for the term ‘to be decoded’ as indefinite.

The objected term ‘operable’ is replaced in the objected claims as suggested by the Examiner. The asserted indefinite term ‘to be decoded’ is deleted from claim 28.

Of the rejected claims, claims 1, 10, 19, 23, and 28 are independent. Claim 1 is amended to conclude with the following clause:

based on the determining, outputting from the decoder a decision on whether or not the signal comprises a valid code word.

Claims 10, 19, 23 and 28 are similarly amended. Support for this added element is at least at the last paragraph of page 12 through the first paragraph of page 13. This is seen to address the rejections under 35 USC 101. Outputting a decision from a decoder is a concrete, useful and tangible result. See “INTERIM GUIDELINES FOR EXAMINATION OF PATENT APPLICATIONS FOR PATENT SUBJECT MATTER ELIGIBILITY” (November 2005), particularly Annex II, part A iv (transformation to a different state or thing); and part B ii (discussion of State Street and Alappat).

The rejection of claim 1 as failing to recite statutory subject matter due to failure to recite

hardware is not understood. Claim 1 is a method claim, for which hardware is not a statutory requirement. See Ex parte Carl A. Lundgren, 76 USPQ2d 1385 (Bd. Pat. App. & Int. 2005) (application claiming method of compensating manager of business firm, which does not disclose or suggest computer, automated means, or apparatus of any kind, was improperly rejected for claiming non-statutory subject matter). Regardless, method claim 1 as amended recites "a decoder".

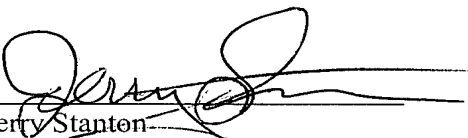
Claims 1, 10, 19, 23 and 28 are each amended to recite more clearly a relationship between elements, and in apparatus claims 10, 19, 23 and 28 that recited relationship is structural. Support for these amendments is at tables 1-2 of the specification (pages 14 and 15), and the past paragraph of page 12 through the first paragraph of page 13.

Amendments to certain dependent claims are to comport with changes made to the independent claims from which they depend.

Dependent claims 30-34 are added, support for which is at the last paragraph of page 12. No new matter is added by any of these claim amendments or added claims.

All objections and rejections are seen to be fully addressed and all claims are now seen to comply with 35 USC 101 and 112, second paragraph. The Applicant thanks the Examiner for the multiple searches and thorough examination performed. In view of the extended prosecution (three non-final office actions), allowance of claims 1-34 is earnestly solicited. The undersigned representative welcomes the opportunity to resolve any matters that may remain via telephone.

Respectfully submitted:


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May 21, 2007
Date

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

5/21/2007
Date

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